



General Assembly

February Session, 2016

Raised Bill No. 294

LCO No. 1893



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING SERVICES FOR INDIVIDUALS WITH
INTELLECTUAL DISABILITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section:

3 (1) "Department" means the Department of Developmental Services;

4 (2) "Commissioner" means the Commissioner of Developmental
5 Services;

6 (3) "Waiting list" means a list maintained by the commissioner that
7 includes the names of individuals with intellectual disability who (A)
8 have requested residential or day support services from the
9 department, and (B) the commissioner has determined to be in urgent
10 need for the services requested.

11 (4) "Level of need assessment" means the department's method,
12 using any standardized assessment or screening tool, to (A) determine
13 the level of services from the department that an individual with

14 intellectual disability requires for the management of the individual's
15 behavior, health condition and to complete activities of daily living, as
16 defined in section 19a-693 of the general statutes, (B) determine an
17 individual's priority status, and (C) assign an individual an estimated
18 funding amount for services.

19 (5) "Priority status" means the code assigned to an individual with
20 intellectual disability for whom services from the department have
21 been requested that identifies the level of urgency of the individual's
22 need for services.

23 (b) Immediately after the department completes a level of need
24 assessment for an individual with intellectual disability, or not later
25 than September 30, 2016, for an individual who had a level of need
26 assessment prior to that date, the department shall provide to the
27 individual's parent, conservator, guardian or other legal representative
28 a complete copy of the level of need assessment including, but not
29 limited to, scoring results, comments, a summary report and any other
30 related information or documents.

31 (c) (1) Not later than September 30, 2016, the commissioner shall
32 notify, in writing, each individual with intellectual disability who is
33 receiving services from the department, and the individual's parent,
34 conservator, guardian or other legal representative of the individual's
35 priority status and the amount of funding budgeted for each service
36 provided by the department.

37 (2) Not later than fifteen days after the commissioner makes a
38 change to the priority status of an individual with intellectual
39 disability, the commissioner shall notify the individual's parent,
40 conservator, guardian or other legal representative, in writing, of such
41 change by certified mail, return receipt requested.

42 (d) (1) On and after July 1, 2017, the commissioner shall update the
43 waiting list not less than once every three years.

44 (2) The commissioner or any other department employee shall not
45 remove, from the waiting list, the name of any individual with
46 intellectual disability who is receiving services from a private entity or
47 a state agency for the individual's intellectual disability without the
48 written consent of the individual's parent, conservator, guardian or
49 other legal representative.

50 (3) The commissioner shall remove the name of an individual with
51 intellectual disability from the waiting list at the request of the
52 individual's parent, conservator, guardian or other legal representative
53 only after the parent, conservator, guardian or other legal
54 representative submits a written request to the commissioner to
55 remove such individual's name. Such request shall include an
56 acknowledgment clearly stating the consequences of removing such
57 individual's name from the waiting list and shall be signed by the
58 individual's parent, conservator, guardian or other legal
59 representative.

60 (e) Whenever the commissioner extends an offer of funding for
61 services to an individual with intellectual disability, the commissioner
62 shall extend such offer in writing to the individual's parent,
63 conservator, guardian or other legal representative. The notice
64 extending the offer of funding shall include a date by which such offer
65 shall be accepted or rejected and the consequences of accepting or
66 rejecting such offer, including, but not limited to, the individual's right
67 to receive additional services or maintain his or her place on the
68 department's waiting list.

69 Sec. 2. Section 23 of public act 15-1 of the December special session
70 is repealed and the following is substituted in lieu thereof (*Effective*
71 *from passage*):

72 [Not later than December 31, 2016, the] (a) The Secretary of the
73 Office of Policy and Management [, in consultation with the
74 Commissioner of Developmental Services, shall submit a report, in

75 accordance with the provisions of section 11-4a of the general statutes,
76 to the joint standing committees of the General Assembly having
77 cognizance of matters relating to appropriations and the budgets of
78 state agencies and public health on] shall develop a plan to implement
79 the closure of facilities operated by the Department of Developmental
80 Services, including, but not limited to, Southbury Training School and
81 regional centers, in order to achieve targeted savings. In developing
82 such plan, the secretary shall consult with the Commissioner of
83 Developmental Services and other stakeholders that include, but need
84 not be limited to, residents of Southbury Training School, family
85 members and legal representatives of such residents, parents and legal
86 representatives of individuals with intellectual disability who are
87 receiving community support services from the department, the
88 Connecticut Council on Developmental Disabilities, The Arc
89 Connecticut and other providers of services to individuals with
90 intellectual disability.

91 (b) Not later than December 31, 2016, the Secretary of the Office of
92 Policy and Management shall submit a report on the plan, in
93 accordance with the provisions of section 11-4a, to the joint standing
94 committees of the General Assembly having cognizance of matters
95 relating to appropriations and the budgets of state agencies and public
96 health. Such report shall include, but not be limited to, a list of the
97 individuals and organizations with whom the secretary consulted in
98 developing the plan and a summary of the comments received from
99 each such individual and organization.

100 Sec. 3. (NEW) (*Effective from passage*) (a) On and after October 1,
101 2016, the Commissioners of Social Services, Developmental Services
102 and Mental Health and Addiction Services shall notify, in writing, any
103 individual with intellectual disability, who is receiving state-assisted
104 care and who is soon to become ineligible for state-assisted care, and
105 the individual's parent, conservator, guardian or other legal
106 representative, of the date the individual will be ineligible to receive
107 state-assisted care. Such notice shall be sent by certified mail, return

108 receipt requested, not later than ninety days prior to the date the
109 individual will become ineligible for state-assisted care or will stop
110 receiving such care, whichever is earlier.

111 (b) Said commissioners shall assist any such individual and the
112 individual's parent, conservator, guardian or other legal representative
113 to identify and secure private funding for care or services required by
114 the individual relating to his or her intellectual disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	PA 15-1 of the December Sp. Sess., Sec. 23
Sec. 3	<i>from passage</i>	New section

Statement of Purpose:

To require the Commissioner of Developmental Services to take certain actions relating to the Department of Developmental Services' waiting list, to require the Secretary of the Office of Policy and Management to consult with stakeholders on a plan to close facilities operated by the department and to require advance notice when an individual with intellectual disability's eligibility for state-assisted care will end.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]